

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANNE M. SHOULTS, :
Plaintiff, : Case No. 2:19-cv-01425
v. : CHIEF JUDGE ALGENON L. MARBLEY
COMMISSIONER OF SOCIAL : Magistrate Judge Jolson
SECURITY, :
Defendant. :
:

OPINION & ORDER

This matter is before the Court on Magistrate Judge Jolson's Report and Recommendation. (EFC No. 21). Magistrate Jolson responds to the parties' Joint Motion for an Award of Attorney's Fees under the Equal Access to Justice Act (ECF No. 20). Magistrate Jolson also recommended that: (1) the motion be granted; (2) the Commissioner pay Plaintiff's attorney fees in the amount of \$5,400, with zero costs; (3) counsel for the parties verify whether Plaintiff owes a preexisting debt to the United States subject to offset and, if no such pre-existing debt exists, that the Commissioner pay the award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel; and (4) the civil case be terminated.

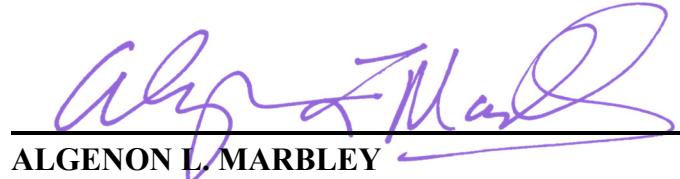
The Report and Recommendation was filed on January 12, 2021 and advised the parties that they had fourteen days thereafter to raise any Objections. The Report and Recommendation also notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the Report and Recommendation de novo.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections expired, this Court **ADOPTS** the Magistrate

Judge's Report and Recommendation as this Court's findings of facts and law. The Court hereby **GRANTS** the parties' motion [#20] and **ORDERS** the following:

- The Commissioner pay Plaintiff's attorney fees in the amount of \$5,400, with zero costs, for a total award of \$5,400; and
- Counsel for the parties shall verify whether Plaintiff owes a preexisting debt to the United States subject to offset, consistent with *Astrue v. Ratliff*, 560 U.S. 586 (2010). If no such pre-existing debt exists, Defendant shall pay the Equal Access to Justice Act ("EAJA") award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel; and
- The civil case be terminated.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: April 5, 2021